

REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims are respectfully requested.

Status of Claims

Claims 1-31 are pending in the application.

Claims 1, 18 and 19 have been amended.

No New matter has been added. Entry of these Amendments is respectfully requested.

The Telephone Interviews

Initially, Applicants wish to thank the Examiner, Paul Disler, for granting and attending the telephone interviews with Applicants' Representative on May 17, 2010 and May 26, 2010, in which the rejection of claims 1 and 18 in view of Wan (US 5,978,489), Wright (US 2003/0103635) and Klippel (US 5,694,476) was discussed.

During the Interview, Applicants' representative asserted that Wan, Wright and Klippel, alone or in combination, do not describe, teach or fairly suggest one or more of the limitations of independent claims 1 and 18.

Specifically, Applicants' representative asserted that Wan, Wright and Klippel, alone or in combination, do not describe, teach or fairly suggest at least producing a predicted noise signal, as recited, in paraphrase, by independent claims 1 and 18.

Applicants' representative asserted that in the portions of Wright cited by the Examiner, Wright merely describes adjusting a secondary source output, using a filter, to maintain at a minimum the total noise, represented by error E from a detector (paragraphs [0069]-[0072]). Applicants' representative emphasized that the notation N_{tf} of Wright merely refers to a system transfer function.

Applicants' representative asserted that in contrast to this description of Wright, claims 1 and 18 of the present Application require producing a predicted noise signal.

Applicants' representative asserted that the predicted noise signal, as described by the present application, clearly relates to a prediction of the noise signal, e.g., a predicted sample of the noise signal, which is successive to a current sample of the noise signal.

Without conceding to the appropriateness of the Examiner's rejection of claims 1 and 18, Applicant's representative offered to voluntarily amend claims 1 and 18 to more clearly recite the limitation of producing the predictive noise signal.

Applicants' representative asserted that the amendments to claims 1 and 18 should be entered. Specifically, Applicants' representative asserted that the amendments of claims 1 and 18 merely clarify the phrase "predicted noise signal" and include language corresponding to some limitations, which were already considered by the Office Action.

The Examiner agreed that the limitation of "wherein the predicted noise signal includes an estimation of a predicted sample of the noise signal, which is successive to a current sample of the noise signal, and wherein the estimator is to estimate the predicted

sample by applying the estimation function to the current sample and to one or more samples preceding the current sample of the noise signal”, as recited by amended claim 1, and the limitation “wherein the predicted noise signal includes an estimation of a predicted sample of at least one sampled signal of the primary noise signal and the secondary noise signal, which is successive to a current sample of the sampled signal, and wherein the estimator is to estimate the predicted sample by applying at least one non-linear estimation function to the current sample and to one or more samples preceding the current sample of the sampled signal” as recited by amended claim 18, appear to overcome the art of record.

The Examiner advised Applicants’ representative that he will formally consider withdrawing the rejection of claims 1 and 18 upon the filing of a formal Response to the Final Office Action.

CLAIM REJECTIONS

35 U.S.C. § 103 Rejections

In the Office Action, the Examiner rejected claims 1-14, 16 and 18-31 under 35 U.S.C. § 103(a), as being unpatentable over Wan (US 5,978,489), Wright (US 2003/0103635) and Klippel (US 5,694,476).

Amended independent claim 1 recites “wherein the predicted noise signal includes an estimation of a predicted sample of the noise signal, which is successive to a current sample of the noise signal, and wherein the estimator is to estimate the predicted sample by applying the estimation function to the current sample and to one or more samples preceding the current sample of the noise signal”, and amended independent claim 18 recites “wherein the predicted noise signal includes an estimation of a predicted sample of at least one sampled signal of the primary noise signal and the secondary noise signal, which is successive to a

AMENDMENT

Serial Number: 10/573,060

Filing Date: March 20, 2006

Title: Active Noise Control System and Method

Page 13

Dkt: SLM-P-00193-US

current sample of the sampled signal, and wherein the estimator is to estimate the predicted sample by applying at least one non-linear estimation function to the current sample and to one or more samples preceding the current sample of the sampled signal”.

In view of the Examiner's agreement during the Telephone Interviews of May 17, 2010 and May 26, 2010, that such language is patentable over the art of record, including the Wan, Wright and Klippel references, it is respectfully requested that the rejection of claims 1 and 18 under 35 U.S.C. §103(a) be withdrawn.

Furthermore, it is respectfully submitted that independent claims 1 and 18 are patentable, and thus allowable, over any combination of the prior art references on record. In this regard, it is noted that the distinguishing features of independent claims 1 and 18, as discussed above, would not have been obvious at the time the invention was made to a person skilled in the art, in view of Wan, Wright and Klippel, alone or in combination with any of the other cited references on record, including the Dance reference discussed below in connection with claim 15 and/or the Kakuhari et al. reference discussed below in connection with claims 17 and 31.

Claims 2-14 and 16 depend, directly or indirectly, from independent claim 1 and incorporate all the elements of this claim as well as additional distinguishing features. Claims 19-31 depend, directly or indirectly, from independent claim 18 and incorporate all the elements of this claim as well as additional distinguishing features.

Therefore, it is respectfully submitted that claims 2-14, 16 and 19-31 are patentable, and thus allowable, at least for the reasons set forth above.

Accordingly, it is respectfully requested that the rejection of claims 2-14, 16 and 19-31 under 35 U.S.C. §103(a) be withdrawn.

AMENDMENT

Serial Number: 10/573,060

Filing Date: March 20, 2006

Title: Active Noise Control System and Method

Page 14

Dkt: SLM-P-00193-US

In the Office Action, the Examiner rejected claim 15 under 35 U.S.C. § 103(a), as being unpatentable over Wan, Wright, Klippel and Dance (US 6,944,304).

Claim 15 depends indirectly from independent claim 1 and incorporates all the elements of this claim as well as additional distinguishing features.

Therefore, it is respectfully submitted that claim 15 is patentable, and thus allowable, at least for the reasons set forth above.

Accordingly, it is respectfully requested that the rejection of claim 15 under 35 U.S.C. §103(a) be withdrawn.

In the Office Action, the Examiner rejected claims 17 and 31 under 35 U.S.C. § 103(a), as being unpatentable over Wan, Wright, Klippel and Kakuhari et al. (US 2002/0080978).

Claim 17 depends directly from independent claim 1 and incorporates all the elements of this claim as well as additional distinguishing features. Claim 31 depends directly from independent claim 18 and incorporates all the elements of this claim as well as additional distinguishing features.

Therefore, it is respectfully submitted that claims 17 and 31 are patentable, and thus allowable, at least for the reasons set forth above.

Accordingly, it is respectfully requested that the rejection of claims 17 and 31 under 35 U.S.C. §103(a) be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance are respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-5007.

Respectfully submitted,

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